

Senate concurred in the amendments.

A bill to define the offence of vagrancy, and to provide for the punishment of vagrants.

Senate concurred in the amendments.

A bill to provide for supplying the records of the County Clerks and County Surveyor's office of Karnes county.

Senate concurred in the amendments.

Upon motion of Senator Saufley, the Senate adjourned until 9½ o'clock to-morrow morning.

SENATE CHAMBER, }
October 31, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted

On motion of Senator Guinn, the vote adopting the House amendments to a bill to exempt certain property therein named from forced sale, was reconsidered.

On motion of Senator Guinn, a committee of three on part of the Senate was appointed to confer with a like committee on part of the House, concerning the disagreement of the two Houses on the last named bill.

The Chair announced Senators Guinn, Coppedge and Neyland, as a committee on part of the Senate.

Senator Yarbrow made the following report:

Hon. G. W. Jones, President of the Senate :

The Committee on Commerce and Manufactures, to whom was referred a House bill entitled "An act to incorporate the Colorado Navigation Company," after a careful examination of the same, find that, in addition to objectionable features in the bill, the committee are in possession of a diagram and other papers, which induce the committee to instruct me to report the bill back to the Senate, and recommend that it do not pass.

J. C. YARBROW, Chairman.

Also reports:

Hon. G. W. Jones, President of Senate :

The Committee on Commerce and Manufactures, to whom was referred a substitute for a bill to be entitled "An act to incorporate the Corpus Christi and Aransas Pass Canal Company," having had the same under consideration, the committee have in-

structed me to report the substitute back to the Senate, with the following amendment:

Amend 17th section by striking out, after the word "after," in the 3d line, to "designated," in the 4th line, and insert, "the passage of the act;" and when so amended, recommend its passage.

J. C. YARBRO, Chairman.

Senator Braswell, Chairman of Committee on Internal Improvements, reports and recommends the passage of a bill to amend the 6th section of "An act to incorporate the Brazos Internal Improvement and Navigation Company."

Senator Yarbrow made the following report:

Hon. G. W. Jones, President of Senate :

The Committee on Commerce and Manufactures, to whom was referred a bill to be entitled "An act to incorporate the Planters' Mutual Insurance Company," having considered the same, instructed me to report the bill back to the Senate, with the following amendments:

Strike out the 9th section, and insert in lieu therefor, "Service of any and all legal process in any suit or proceeding against said company, shall be sufficient, if made upon the President or Secretary of the Board of Directors."

And when so amended, recommend its passage.

J. C. YARBRO, Chairman.

Senator Guinn made the following report:

Hon. G. W. Jones, President of Senate :

The Finance Committee, to whom was referred a House bill for the assessment of taxes, have duly considered the bill, and have instructed me to recommend its passage, with the following amendment:

Strike out on the 5th page, section 2d, all the remainder of that section after the word "State."

R. H. GUINN.

On motion of Senator Guinn, the bill and report were taken up, and made the special order for 11 o'clock to-morrow.

Senator Littleton, one of the Committee on the Penitentiary, reports and recommends the passage of a bill authorizing the Director of the State Penitentiary to enlarge the buildings of the same.

Senator Record, for the Judiciary Committee, reports and recommends the passage of a bill amendatory of and supplemental to "An act to adopt and establish a Penal Code for the State of Texas."

Also reports:

Hon. G. W. Jones, President of the Senate:

The Judiciary Committee have had under consideration a bill to be entitled "An act supplementary to and amendatory of an act entitled an act to provide for the districting of the State into Judicial Districts," passed at the present session of the Legislature, approved October 11th, 1866, and have instructed me to report the bill back to the Senate, without action, and suggest that it would be more appropriate to refer it to the Committee on Judicial Districts. J. K. P. RECORD, Chairman.

On motion of Senator Guinn, the report was adopted, and the bill was referred to Committee on Judicial Districts.

Also reports and recommends the passage of a House bill to provide means for the defence of the frontier, with the following amendment:

In 3d line of section 2, strike out the word "thousand."

Also, reports and recommends the adoption and passage of a substitute in lieu of an original bill prohibiting the false personation of Justices of the Peace, Sheriffs, Coroners, Deputy Sheriffs and other judicial and ministerial officers.

Senator Stell, Chairman of Committee on State Affairs, made the following report:

The Committee on State Affairs, to whom was referred a bill to prohibit the discharge of fire-arms in certain places therein named, have considered the same, and a majority have instructed me to report the same back with the following amendment:

Amend section 1. Strike out "from," in 2d line, and to "act," in 3d line, inclusive.

This being a penal law, should not be made to have effect immediately after passage.

Also amend section 1, adding thereto, "*Provided*, This act shall not be so construed as to apply to the 'outer town,' or suburbs, of any city or town."

And when so amended, recommend its passage.

J. W. STELL, Chairman.

Senator McDade, for the Committee on Internal Improvements, reported back and recommended the passage of a bill to incorporate the Texas Overland Transportation Company.

Upon motion of Senator Guinn, rule was suspended, and bill and report were taken up; bill read second time, and ordered to be engrossed; rule further suspended, read third time, and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Cooley, Coppedge, Dalrymple, Foscue, Guinn, Jowers,

Knox, Littleton, McDade, Nelson, Neyland, Parker, Reed, Saufley, Selman, Shannon, Stell and Yarbrow—24.

NAYS—None.

Senator Burney, for the Committee on State Affairs, reported and recommended the passage of a bill to incorporate the town of Marlin, in Falls county.

Upon motion of Senator Burney, bill and report were taken up, out of order, read second time, and ordered to be engrossed; rule further suspended, read third time, and passed.

Senator Truitt, Chairman of the Committee on Private Land Claims, reported back and recommended the passage of a House bill for the relief of David L. Kokernot; also, a House bill for the relief of Charles Larbeletrier.

The hour having arrived for the consideration of the special order, viz, a bill to provide for the Public Printing, bill, with the amendments recommended by the Committee on Printing, taken up, and the amendments made.

Upon motion of Senator Foscue, the bill was amended as follows:

Amend section 1. After resolution, in 5th line from bottom, except the official names and titles.

Amend the 1st section by adding at bottom of 1st page, after the last word, the following:

“All acts incorporating towns and cities.”

Strike out, on 2d page, beginning at the word “there,” 8th line, down to the word “Legislature,” and insert the following:

“There shall be printed, under the supervision of the Secretary of State, eight hundred copies of the biennial reports of the Comptroller of Public Accounts, Treasurer, Commissioners of the General Land Office, Superintendent and Financial Agent of the Penitentiary, Superintendent of Lunatic Asylum, of the Asylums of the Blind and Deaf and Dumb, and the reports of all other officers who are required to report to the Governor or the Legislature, whose reports contain statistical information—three hundred copies of which shall be delivered by the Secretary of State to the two Houses of the Legislature, for their use, at as early a day as practicable after they are printed, and the remaining five hundred copies shall be stitced together by the public printer, as an appendix to the journals of the House of Representatives, and delivered to the Secretary of State; *Provided*, that this requirement shall not apply to the printing of the present Legislature.

“There shall be printed such number of copies of the messages of the Governor and other documents as the Legislature

or either House may order; *Provided, however,* that when the Governor's messages are printed, five hundred copies thereof shall be reserved by the printer aforesaid, which shall be attached to said appendix. Other matter than that enumerated may be attached to said appendix, as the Legislature may order."

Strike out of section 7th, from the word "documents," in 7th line, down to "shall," in 10th line, and insert the following:

"Shall be required to be delivered to the Governor by the respective officers, making the same in sufficient time to be furnished to the public printer one month before the meeting of the Legislature, and if so furnished to said printer."

Strike out of 7th section, 15th line; beginning at the word "during," down to "thereof," in 17th line, and insert the words "or after," in lieu thereof.

Amend by adding the following:

"Section 14. There shall be printed five thousand copies of the amended Constitution and Ordinances, and of the proclamation of the Governor declaring the ratification of said amendments, which shall be attached to, and form a part of the volume of the General Laws of the 11th Legislature; and the printing of the same shall be done in all things as is provided in the contract concluded by the printing committees of the two Houses of the present Legislature."

Amend by numbering section 14 as number 15.

Senator Parker moved to amend as follows:

"That the public printer shall be appointed by the Governor, by and with the advice and consent of the Senate."

Motion lost.

Bill as amended read second time and passed to a third reading; rule further suspended, read third time and passed.

A message was received from His Excellency the Governor, which upon motion of Senator Shannon, was taken up and read.

EXECUTIVE OFFICE,
AUSTIN, TEXAS, Oct. 30, 1866. }

Gentlemen of the Senate and House of Representatives :

I herewith return to the Senate a bill originating in that body, entitled "An Act creating the county of Hood."

To my mind the Constitution, Art. VII, section 34, is explicit, that no new county shall be created of a less area than nine hundred square miles.

That part of the section which declares that a two-third vote of the Legislature may reduce an old county to a less area than nine hundred square miles, does not, in my judgment, apply to the creation of a new county.

For the convenience of the people of the proposed new county, it would afford me pleasure to approve the bill, but my convictions of duty require that I shall return the same for your recons'ruction

J. W. THROCKMORTON.

Senator Shannon moved to pass the bill over the Governor's veto.

Upon which the yeas and nays being called, the bill was passed by the following vote :

YEAS—Senators Braswell, Blount, Boyd, Burney, Coppedge, Knox, Littleton, McDade, Nelson, Neyland, Parker, Saufley, Shannon, Stell, Truit and Voigt—16.

NAYS—Senators Bumpass, Cooley, Dalrymple, Foscue, Guinn, Reed and Selman—7.

Upon motion of Senator Guinn, the vote by which the salary bill was lost, was reconsidered, and upon motion of Senator Littleton the bill was recommitted to the Finance Committee.

Upon motion of Senator Guinn, rule was suspended, and bill to amend "An Act to provide for the payment of Grand and Petit Juries," passed February, 1850, with amendments recommended by the Judiciary Committee, was taken up.

Amendments made.

Senator Stell moved to strike out "five dollars," and insert "three dollars."

Lost.

Senator Jowers moved to amend as follows :

"Provided that said fee shall be paid before any judgment is obtained."

Senator Record moved to lay the amendment on the table.

Upon which the yeas and nays being called, the amendment was tabled by the following vote ;

YEAS—Senators Braswell, Blount, Boyd, Cooley, Dalrymple, Foscue, Guinn, Littleton, McDade, Neyland, Parker, Record, Selman, Stell, Truit, Voigt and Yarbrow—17.

NAYS—Senators Brown, Bumpass, Burney, Coppedge, Jowers, Knox, Nelson, Reed and Saufley—9.

Bill as amended read second time and ordered to its third reading, by the following vote :

YEAS—Senators Braswell, Blount, Boyd, Cooley, Foscue, Guinn, Knox, Littleton, McDade, Neyland, Parker, Record, Saufley, Selman, Shannon, Stell, Truit, Voigt and Yarbrow—19.

NAYS—Senators Brown, Bumpass, Burney, Coppedge, Dalrymple, Jowers, Nelson and Reed—8.

Senator Stell moved to suspend the rule and place the bill on its final passage. Lost.

Upon motion of Senator Shannon, rule was suspended, and bill to appropriate money to pay Capt. L. L. Tackett's Minute Company, was taken up and referred to a select committee of five.

And upon motion of Senator Guinn, rule was suspended, and bill appropriating money to pay Capt. John Teague's Minute Company, was taken up and referred to the same Committee.

The Chair announced Senators Shannon, Blount, Burney, Bumpass and Jowers, as the Committee.

Senator Stell made the following report :

Hon. Geo. W. Jones, President of the Senate:

The Judiciary Committee, to whom was referred a bill to be entitled "An Act amendatory of an act, supplementary of an act entitled an act to adopt and establish a Penal Code for the State of Texas," and to whom had been previously referred a House bill to be entitled "An Act amendatory of and supplemental to an act to establish a Penal Code for the State of Texas," have had the same under consideration, and a majority of said Committee have instructed me to report the bills back and recommend that the House bill be amended by striking out section 2nd, and when so amended, recommend its passage, and that the Senate bill do not pass, for the reason that it is almost an exact copy of the House bill.

J. W. STELL, One of Committee.

Upon motion of Senator Bumpass, rule suspended, and bill for the sale of the University lands, with amendments recommended by Committee on Education, was taken up, and amendments made.

Read second time and passed to a third reading ; rule further suspended, bill read third time and passed.

Upon motion of Senator Littleton, a bill to incorporate the Corpus Christi Canal Company, with amendments by the Committee, was taken up.

Amendments made.

Bill read second time and ordered to be engrossed ; rule further suspended, bill read third time and passed by the following two-third vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Cooley, Coppedge, Foscue, Guinn, Jowers, Knox, Littleton, McDade, Nelson, Neyland, Parker, Reed, Saufley, Selman, Stell, Truitt, Voigt and Yarbrow—24.

NAYS—None.

Senator Knox introduced a bill to establish a Criminal Court in the city of San Antonio.

Read first time and referred to Judiciary Committee.

COMMITTEE ROOM,
Austin, Oct. 31, 1866. }

Hon. Geo. W. Jones, President of the Senate:

The Committee on Engrossed Bills, have examined, and find correctly engrossed the following :

A bill to be entitled " An Act to amend section 16, of an act to provide for the incorporation of towns and cities," approved January 27, 1858 ; and a " Joint Resolution providing for a settlement of the account of Pryor Lea, with the State.

Respectfully submitted, W. M. NEYLAND,
Chairman Committee on Engrossed Bills.

COMMITTEE ROOM,
Oct. 31st, 1866. }

Hon. G. W. Jones, President of the Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed a bill to be entitled " An Act supplemental to the modified Charter of the Aramas Road Company."

Respectfully submitted, W. M. NEYLAND,
Chairman Committee on Engrossed Bills.

A message was received from the House announcing the passage of the following bills, which, upon motion of Senator Burney were read first time and referred as indicated.

House bill to incorporate the Melrose Petroleum Oil, Mining and Manufacturing Company.

Read first time and referred to Committee on Commerce and Manufactures.

House bill amendatory of " An Act entitled an act regulating Juries," approved February 13, 1848, and May 4, 1846.

Read first time and referred to Judiciary Committee.

House bill for the relief of the heirs of Jason Whitney, deceased.

Read first time and referred to Committee on Private Land Claims.

Senate bill to prohibit the sale of ardent or spirituous liquors within five miles of Oakland College, in Johnson county, except for medicinal purposes.

Senate bill to incorporate Oakland College, with an amendment by the House.

Senate concurred in the amendments.

Upon motion of Senator Reed, rule was suspended, and a bill to create a body corporate and politic, under the name and style of the Indianola Mercantile Association, with amendments re-

commended by the Committee on Commerce and Manufactures, taken up, and amendments made.

Read second time and ordered to be engrossed; rule further suspended, read third time and passed by the following two-third vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Cooley, Coppedge, Foscue, Guinn, Jowers, Knox, McDade, Nelson, Neyland, Parker, Reed, Selman, Shannon, Stell, Truit and Voigt—22.

NAYS—None.

Upon motion of Senator Cooley, rule was suspended, and a bill to incorporate the New Braunfels Woolen Manufacturing Company, with amendments recommended by the Committee on Commerce and Manufactures, taken up and amendments made.

Read second time and ordered to be engrossed; rule further suspended, read third time and passed by the following two-third vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cooley, Coppedge, Guinn, Jowers, Knox, Littleton, McDade, Nelson, Parker, Reed, Saufley, Selman, Shannon, Stell, Truit, Voigt and Yarbrow—22.

NAYS—None.

Upon motion of Senator Guinn, rule was suspended and concurrent resolution upon the subject of adjournment, with the amendments recommended by the Committee on State Affairs, was taken up.

Senator Stell moved that further consideration of the resolution be postponed until Monday next, and that it be made the special order for 11 o'clock that day.

Upon which the yeas and nays being called the motion prevailed by the following vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Cooley, Jowers, Knox, Littleton, McDade, Nelson, Neyland, Reed, Saufley, Selman, Shannon, Stell, Truit and Yarbrow—18.

NAYS—Senators Bumpass, Burney, Coppedge, Foscue, Guinn, Parker and Voigt—7.

Senator Guinn moved that Senator Bumpass be excused from attendance upon the Senate for the balance of the session from next Friday.

Senator Jowers moved that Senator McDade be excused for the remainder of the session from next Friday.

Pending which, upon motion of Senator Guinn, the Senate adjourned until 7 o'clock this evening.

SENATE CHAMBER, }
7 o'clock, p. m., October 31, 1866. }

Senate met pursuant to adjournment.

Roll called—quorum present.

The report of the Committee on Finance, on the claim of P. Priestly for services as Chief Clerk of the State Department during the administration of R. J. Townes as Secretary of State, was taken up, and adopted.

Senator Shannon, Chairman of Select Committee, to whom was referred the bills providing for the payment of the minute men called into the service by Gov. A. J. Hamilton, Oct. 14th, 1865, and Oct. 20th, 1865, reported the bills back with a substitute for both, and recommended the passage of the substitute; rule suspended, bills and report taken up, and substitute adopted; read second time and ordered to be engrossed.

Senator Voigt offered the following resolution:

Resolved, That the Senate Chamber is hereby tendered to the ladies of Austin for the purpose of giving a concert on Friday night next.

Senator Guinn moved to amend by adding, "Provided the desks are not removed."

Amendment made, and the yeas and nays being called upon the adoption of the resolution, it was adopted by the following vote:

YEAS—Senators Brown, Bumpass, Burney, Cooley, Dalrymple, Jowers, Knox, Littleton, Parker, Record, Sautley, Shannon, Stell, Truitt, Voigt and Yarbrow—16.

NAYS—Senators Braswell, Blount, Boyd, Coppedge, Foscoe, Guinn, McDade, Nelson, Neyland, Reed and Selman—11.

Senator Littleton made the following report:

Hon. G. W. Jones, President of the Senate :

The Special Committee, to whom was referred a bill to be entitled "An act amendatory of an act to punish certain offences committed on Sunday," approved 16th December, 1863, have considered the same, and a majority have instructed me to report the same back with the accompanying amendments herewith presented, and when so amended, recommend its passage.

JOHN LITTLETON, Chairman.

AMENDMENTS RECOMMENDED BY THE COMMITTEE.

Section 1. Add "Provided this section shall not be so construed as to apply to the running of steamboats, or other water craft, rail cars, wagon trains, common carriers, or to the delivery of goods by them, or the receiving or caring for said goods by the parties or their agents to whom said goods are delivered, or

to stages carrying the U. S. mails, or passengers, foundries, sugar mills, or to stock keepers, or herders who have a herd of stock actually gathered and under herd, or to persons hauling on the highway, or ferrymen, or keepers of toll bridges, keepers of hotels and their servants, keepers of livery stables and their servants.

"Provided further, that this section shall not be construed so as to apply to any persons who conscientiously believe that the seventh, or any other day of the week, ought to be observed as the Sabbath, and who actually refrain from secular business and labor on that day."

The bill reported by Senator Littleton, being the special order, was taken up.

Senator Saufley moved to lay the amendments on the table.

The yeas and nays being called, the Senate refused to table by the following vote :

YEAS—Senators Braswell, Boyd, Burney, Record, Reed and Saufley—6.

NAYS—Senators Blount, Brown, Bumpass, Cooley, Coppedge, Dalrymple, Foscue, Guinn, Jewers, Knox, Littleton, McDade, Nelson, Neyland, Selman, Shannon, Stell, Truitt, Voigt and Yarbrow—20.

Amendments made.

Senator Saufley moved to strike out the proviso.

Lost.

Senator Parker moved to amend as follows :

Amend by excepting the 30th and 32d Senatorial Districts from the provisions of the bill.

Senator Neyland moved to lay the amendment on the table.

Amendment tabled.

Senator Neyland moved the previous question.

The question being, "shall the main question be put," it was ordered, and the yeas and nays being called, the bill was ordered to be engrossed by the following vote:

YEAS—Senators Braswell, Blount, Brown, Bumpass, Burney, Coppedge, Dalrymple, Guinn, Jowers, Nelson, Neyland, Record, Shannon, Truitt, Voigt and Yarbrow—16.

NAYS—Senators Cooley, Foscue, Knox, McDade, Parker, Reed, Saufley and Stell—8.

Senator Reed moved to suspend the rule and put the bill on its final passage.

Motion lost.

Upon motion of Senator Saufley, rule was suspended, and a bill to incorporate the Planters' Mutual Insurance Company,

with amendments recommended by the Committee on Commerce and Manufactures, was taken up, and amendments made.

Bill as amended, read second time and ordered to be engrossed; rule further suspended, read third time and passed by the following two-third vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Cooley, Dalrymple, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Record, Reed, Saufley, Selman, Shannon, Truitt, Voigt and Yarbrow—23.

NAYS—Senator Coppedge—1.

Upon motion of Senator Jowers, rule was suspended, and a bill to incorporate Stovall Academy, with amendments recommended by the Committee on Education, taken up.

Amendments made.

Bill as amended, read second time and passed to a third reading; rule further suspended, read third time and passed by the following two-third vote:

YEAS—Senators Braswell, Blount, Brown, Bumpass, Burney, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Knox, Littleton, McDade, Nelson, Neyland, Parker, Reed, Stell, Truitt, Voigt and Yarbrow—21.

NAYS—Senator Record—1.

Senator Guinn offered the following resolution :

Resolved, That the Senate will not act upon local or private measures at its day sessions, until all the general bills have been disposed of; but that the night sessions shall be devoted to local and private bills.

Upon the adoption of which the yeas and nays being called, the resolution was lost by the following vote:

YEAS—Senators Blount, Brown, Bumpass, Coppedge, Foscue, Guinn, Jowers, Neyland, Reed, Truitt and Yarbrow—11.

NAYS—Senators Braswell, Boyd, Burney, Cooley, Dalrymple, Knox, Littleton, McDade, Nelson, Parker, Saufley, Shannon, Stell and Voigt—14.

Upon motion of Senator Saufley, rule was suspended, and a bill amendatory of and supplemental to an act to adopt and establish a Penal Code for the State of Texas, was taken up, read second time and ordered to be engrossed; rule further suspended, bill read third time and passed.

A message was received from the House announcing the passage of the following House bills.

A bill to be entitled "An act to incorporate the Central Transit Company."

A bill to be entitled "An act amendatory of an act to adopt and establish a Penal Code."

An act to incorporate the Texas and California Telegraph Company.

A bill to be entitled "An act to transfer certain specie in the treasury to the credit of estates of deceased persons."

A bill to be entitled "An act to incorporate the Kaufman Male Academy."

A bill to be entitled "An act authorizing and requiring the Comptroller of Public Accounts to transfer certain funds now at credit of school fund, to State revenue account."

A bill to be entitled "An act for the purpose of carrying into effect an ordinance of the State Convention, securing the common school fund, University fund, and for other purposes."

A bill to amend an act entitled "An act to incorporate the Western Texas Life, Fire and Marine Insurance Company, of the city of San Antonio," passed Feb. 15, 1858.

Upon motion of Senator Record, rule was suspended, and a bill authorizing the Surveyor of Dallas county to transcribe the records of his office, was taken up.

Senator Nelson moved to add "Hopkins and Lamar counties" after "Dallas."

Amendment made.

Bill as amended, read second time and passed to a third reading; rule further suspended, read third time and passed.

Upon motion of Senator Blount, rule was suspended, and a bill attaching certain counties therein named to the counties of Jack and Montagne, for judicial and other purposes, with the amendments recommended by a Select Committee, to whom bill had been referred, was taken up, and amendments made.

Bill read second time and passed to a third reading; rule further suspended, read third time and passed.

Upon motion of Senator Knox, rule was suspended, and a bill to incorporate the Brownsville Levee Company, with the amendments recommended by the Committee on Internal Improvements, was taken up.

Amendments made.

Bill read second time.

Pending the engrossment of the bill, upon motion of Senator Nelson, the Senate adjourned until to-morrow morning at 9 o'clock.